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ASSERVED LICENSING and REGISTRATION under the ANIMAL WELFARE ACT

DEALERS
EXHIBITORS
RESEARCHERS
TRANSPORTERS

Program Aid No. 1117
U.S. DEPARTMENT OF AGRICULTURE
Animal and Plant Health Inspection Service
Veterinary Services

QUICK REFERENCE

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LICENSING and REGISTRATION under the ANIMAL WELFARE ACT

INTRODUCTION

Proper animal care and comfort is not just good business, it also is required by law under the Animal Welfare Act. This law, passed by Congress in 1966 and amended in 1970 and 1976, protects most animals not raised for food and fiber. It also sets stiff penalties for sponsors and promoters of outlawed animal fighting ventures.

Most businesses that buy or sell animals, exhibit them to the public, transport them commercially, or use them in experiments must be licensed or registered by the U.S. Department of Agriculture (USDA). Businesses that use only fish and other coldblooded animals are exempt by law; those that use only rats, mice, birds, horses, ponies, or domestic farm animals are exempt by regulation. Certain other types of businesses are specifically exempt by law or regulation. None of the exempt businesses have to be licensed or registered.

This publication lists the major types of regulated and exempt businesses—but it can't cover all cases. If you are in doubt about your status, consult USDA's Animal and Plant Health Inspection Service (APHIS). A list of APHIS Veterinary Services area offices is printed at the end of this publication. APHIS personnel will answer your questions and provide a copy of the Code of Federal Regulations, Title 9, Chapter I, Subchapter A, which gives the legal requirements for businesses regulated by the Animal Welfare Act.

If you are the person in charge of a regulated business, the law requires you to contact APHIS. Failure to apply for licensing or registration is a punishable offense. Once you contact APHIS, you can continue in business as usual until you receive further instructions.

On the basis of information you supply, APHIS determines whether your business should be licensed, registered, or both. Licensing involves a yearly fee; registration is free.

The amount of the license fee ranges from \$5 to \$500 for licensed animal dealers, depending on the dollar volume of business in regulated animals. Fees range from \$5 to \$100 for licensed exhibitors, depending on the number of regulated animals owned.

The same standards of animal care apply to both registered and licensed businesses, and APHIS field inspectors make periodic unannounced visits to all locations where your animals are held to see that regulations and standards are followed.

Basically, the Federal animal care standards cover:

- Humane handling
- Housing
- Feeding and watering
- Sanitation and ventilation
- Shelter from extremes of weather
- Adequate veterinary care
- Separation of incompatible animals
- Transportation and handling in transit

If your facilities or practices don't meet Federal standards when you apply, you will be allowed a reasonable time to correct any deficiencies. Licenses are not issued until deficiencies are corrected. Legal action results unless you make needed corrections or cease operating a regulated business.

ANIMAL DEALERS

If your business falls under any of the categories of "dealers" listed below, you must be licensed by USDA; you are not eligible for registration. In contacting the nearest area office of APHIS, indicate the species you handle, the type of business you are in, and the type of business to which you sell animals.

Regulated Businesses

Pet wholesalers.—Anyone importing, buying, selling, or trading pets in wholesale channels must be licensed. Annual license fees are based on the amount received from the sale of regulated animals less the amount paid for these animals.

Pet breeders.—Anyone breeding pets (including rabbits) for the wholesale trade must be licensed. You also may have to be licensed if you sell dogs as breeding stock to other breeders. Some small-scale breeders can qualify for an exemption (see "Hobby breeders"). License fees are based on 50 percent of gross sales of regulated animals.

Laboratory animal dealers.—Anyone importing, buying, selling, or trading laboratory animals directly to research institutions or through other dealers must be licensed. This licensing requirement includes "bunchers," who supply dealers with dogs, cats, and other animals collected from random sources; it also includes research institutions (except State or Federal facilities) that sell or trade surplus animals to others. Annual license fees are based on the amount received from the sale of regulated animals less the amount paid for these animals.

Laboratory animal breeders.—Anyone breeding regulated animals (including rabbits) for the laboratory animal trade must be licensed. License fees are based on 50 percent of gross sales of regulated animals.

Working-dog dealers.—Anyone breeding or reselling hunting dogs or watchdogs for the wholesale trade must be licensed. You don't need a license to deal only in seeing-eye dogs. License fees for working-dog dealers are calculated like those for pet wholesalers and breeders.

Animal brokers.—Anyone who deals in animals but does not take physical possession must be licensed. If you meet this definition of a broker, you are exempt from certain regulations imposed on dealers who handle animals, but you need the same type of license. License fees are based on income from commissions and brokerage fees (with no deductions).

Auction operators.—Anyone who operates an auction at which dogs or cats are sold must be licensed. For example, licenses must be acquired by radio and television stations that conduct auctions with telephoned bids—whether or not the proceeds go to charity. Auctions that do not handle dogs or cats need not be licensed. License fees for auction operators are based on income from commissions and fees from selling dogs and cats.

Exotic animal wholesalers.—Anyone importing, buying, selling, or trading foreign animals (wild or

domesticated) must be licensed if sales are made to zoos, circuses, animal acts, research laboratories, or the pet trade. You also must be licensed if you sell domestically bred exotics. Annual license fees are based on the amount received from the sale of regulated animals less the amount paid for these animals.

Wild animal retailers.—Anyone who sells wild animals at retail must be licensed. Wild animals are those requiring special care and handling, such as wild cats, anteaters, kinkajous, monkeys, and apes.

In effect, if you sell any wild animals, you are not eligible to claim exemption as a retail pet store. You become a full-fledged dealer and you must comply with standards of care for all regulated animals—not just the wild animals. Annual license fees are based on the amount received from the sale of regulated animals less the amount paid for these animals.

Suppliers of specimens.—Anyone processing or selling laboratory specimens made from regulated animals must be licensed. License fees are based on income from specimens less cost of the specimens or the animals from which they were prepared.

Exempt Businesses

Retail pet stores.—Anyone selling domestic animals to pet owners is exempt. The exemption covers the sale of small domestic wildlife, such as gerbils, opossums, skunks, squirrels, and raccoons. You must be licensed, however, if you sell dangerous or exotic wild animals to any person. You also must be licensed if, as a pet store, you sell any animals to research institutions, exhibitors, or other animal dealers.

Exemptions for retail pet stores are on an "all or nothing" basis. If you qualify, none of your business is regulated or inspected. If you don't qualify, you are a full-fledged dealer, and all your regulated animals are inspected.

Retail chain stores.—Centrally managed stores that sell pets entirely at retail are exempt. Chains, like independent retailers, are treated as business entities on an "all or nothing" basis. If all outlets qualify as "retail pet stores," the entire chain is free from regulation. Conversely, if any outlet does not qualify as a "retail pet store," the corporation must be licensed as a dealer and

all regulated animals at all outlets are inspected.

Hobby breeders.—Anyone who sells domestic pets, including rabbits, directly to pet owners is exempt, whether sales are made in person or by mail. You must be licensed, however, if you sell animals to dealers, zoos, circuses, or labroatories. In such cases, gross sales under \$500 per year are exempted, as long as you don't sell wild animals, dogs, or cats.

Public pounds.—Animal shelters that are part of State, county, or local governments are exempt. The exemption covers only the pound's own activities. You must have a dealer's license if you purchase animals from pounds or acquire them on contract for resale.

Private shelters.—Animal shelters operated by humane societies and other private groups are exempt unless animals are disposed of through trade channels as pets or to research institutions for use as laboratory animals.

Trade-day sales sponsors.—Anyone arranging occasions for persons to make private sales or trades is exempt. The exemption holds only if the sponsor does not act as intermediary in the transactions. The buyers, sellers, and traders at trade-day sales, however, must be licensed if they meet the definition of a "dealer."

Boarding kennels.—Anyone housing animals for others is exempt, except for intermediate handlers and holding facilities. You must be registered as an intermediate handler if, as part of your services, you ship or receive shipments of regulated animals traveling on public carriers. You have to agree in writing to observe USDA's standards of animal care if you are a holding facility—meaning that you board dogs or cats for licensed dealers. In holding facilities, APHIS inspects dogs and cats to assure that they receive the required care; dealers need prior APHIS approval to board dogs or cats with you.

Dealers in nonregulated species.—There is a blanket exemption for anyone handling only animals not included under Federal law or regulations (see Introduction). Examples of businesses not needing licensing or registration are those restricted to birds, fish, or reptiles.

ANIMAL TRANSPORTERS

If you are involved in any way in the transportation of regulated animals as part of your business operation, you must be licensed as a dealer or registered as an intermediate handler or carrier. In contacting APHIS, indicate whether you are applying for a license as a private carrier or being registered as an intermediate handler or public carrier, as described below.

Regulated Businesses

Private carriers.—Anyone using private vehicles to transport regulated animals must be licensed as a dealer. If you are employed by a licensed dealer, you operate under his license and responsibility. License fees for a private, licensed carrier are based on income from transporting regulated animals (with no deductions).

Public carriers.—Anyone operating an airline, railroad, motor carrier, shipping line, or other public enterprise for transporting regulated animals must be registered as a carrier. As a carrier, all your facilities are regulated, including terminals and freight storage. You are responsible for enforcing all restrictions on animals that can be legally shipped by your customers. You also are responsible for proper crating, whether the shipper or receiver is a private pet owner, a business, an institution, or an agency of Government.

Intermediate handlers.—Anyone taking custody of regulated animals in connection with transporting them on public carriers must be registered as an intermediate handler. This requirement covers boarding kennels that take responsibility for shipping animals or receiving them after shipment, as well as freight forwarders and freight handlers.

Exempt Businesses

Transporters of nonregulated species.—There is a blanket exemption for anyone transporting only animals not included under Federal law or regulations (see Introduction). Examples of carriers not needing licensing or registration are those restricting their services to birds, fish, reptiles, and livestock.

Cross-exemptions.—Businesses exempt from

licensing as dealers also are exempt from registration as transporters, subject to conditions listed above (see headings for retail pet stores, retail chain stores, hobby breeders, public pounds, private shelters, trade-day sale sponsors, and boarding kennels). Transporting animals in the normal course of business does not change the status of an exempt business.

ANIMAL EXHIBITORS

If you receive direct or indirect compensation from public displays or performances of animals, you must become licensed or registered as an exhibitor. Most exhibitors are licensed.

When first contacting APHIS about a license or registration, indicate the number and species of exhibit animals you have on hand because the license fee is determined by the number of animals held. Also, indicate the income you receive from exhibiting animals and from trading in animals. These figures determine whether you will be an exhibitor or a dealer under the Animal Welfare Act. Licensed exhibitors have a lower fee schedule than licensed dealers, but both are subject to the same animal care requirements.

Regulated Businesses

Zoological parks.—Animal exhibits open to the public must be licensed or registered, whether they are owned by cities and other local governments, the State, or corporations, foundations, and other private persons. Zoos run by agencies of the Federal Government are not licensed or registered, but the animals in these zoos are subject to the same USDA standards of animal care. Petting zoos with regulated animals, including rabbits, must be licensed or registered and are subject to special regulations protecting animals and their visitors.

Roadside zoos.—Tourist attractions exhibiting regulated animals must be licensed or registered. Even if you have a single regulated animal on exhibit, you are regulated.

Carnivals.—Concessionaires who exhibit animals or offer them as prizes must be licensed or registered. This is true for a carnival booth on the midway of an agricultural show that, itself, is exempt.

Promotional exhibits.—Anyone who uses animals to promote or advertise goods or services must be licensed or registered. This is true even if you exhibit only a single animal, such as a bear at a gasoline service station, a monkey at a trade show, or an elephant to ride at a shopping center.

Animal performances.—Any owner exhibiting animals doing tricks or shows must be licensed or registered. This includes each person owning animals performing in circuses, carnivals, independent animal acts, television shows, or movie filmings.

Performing animals always must receive the same quality of housing and other care as other exhibit animals, even if the public sees the animals only during performances. If your animal show travels in more than one State, send your application to the Veterinarian-in-Charge of the area where you have your permanent office or winter quarters.

Animal fighting ventures.—Staged dog fights, bear or raccoon baiting, and similar animal fighting ventures are prohibited by the Animal Welfare Act, with stiff penalties for convicted sponsors and promoters. Cockfights are permitted only in States that have no law against them. Animal fighting ventures can not be licensed or registered under the Act.

Exempt Businesses

Private collections.—Anyone who collects animals but does not exhibit them to the public for any kind of compensation is exempt. The exemption does not apply, however, if you buy, sell, or trade animals other than to maintain your collection.

Farm exhibits.—Anyone who shows only domestic farm animals to the public is exempt, as, for example, children's farms. Also exempt is anyone who arranges and takes part in showing farm animals or rabbits at agricultural fairs and exhibits. Other exhibitors of rabbits, however, must be licensed or registered. Exhibitors of foreign farm animals not commonly kept on American farms, such as camels and llamas, also must be licensed or registered.

Booking agents.—Anyone booking or arranging animal acts without owning any animals is exempt. As an agent, you should realize, however, that the exhibitors you book must comply with USDA standards for

facilities, conditions, and situations where animals may be exhibited.

Pet shows.—Sponsors and participants at pet shows, such as dog shows, cat shows, or rabbit shows, are exempt by law.

Horse shows.—Trainers, owners, riders, and sponsors at horse shows—events where horses perform in certain gaits—are not regulated under the Animal Welfare Act. APHIS regulates them, however, under the Horse Protection Act, which forbids the cruel practice of making a horse sore to enhance its performance. This law does not require registration or licensing.

Rodeos.—Performances featuring only farm animals and horses are exempt from both the Animal Welfare Act and the Horse Protection Act and their regulations.

Animal preserves.—Game preserves, hunting preserves, and similar enterprises that keep animals in the wild state are exempt. However, if you maintain special exhibits for compensation, you must be licensed or registered as an exhibitor. If you sell animals to exhibits, the research trade, or the pet trade, you must be licensed as a dealer.

Hunts.—Hunting events are not regulated. Sponsors are not considered exhibitors if they keep animals only for sport—not for exhibition purposes. Hunting is not considered animal fighting, even if dogs, falcons, or other animals are used to help bring down game.

Shows of nonregulated animals.—Anyone exhibiting only species of animals not covered by law or regulation is exempt. Typical examples would be aviaries, and reptile houses.

RESEARCH FACILITIES

Institutions using any regulated live animals for "research, testing, or experimentation" must register with USDA as "research facilities." If the institution is part of a larger organization, the parent organization must acquire the registration. Individual researchers and their attending veterinarians should make sure their institution is legally registered and all USDA regulations and standards are followed.

Included under "research, testing, or experimentation" are:

• Research using regulated animals—including behavioral studies;

- Investigations on animal propagation and control—such as fish and game ecology;
- Laboratory tests—including pregnancy tests, allergy tests, and other diagnostic procedures;
- Quality control studies—such as studies on the safety, effectiveness, durability, or other quality of commercial products; and
- College instruction—whether for research or education.

Registration is required mainly to assure that laboratory animals are provided with care and comfort meeting USDA standards. Registration is required even for institutions doing research on contract containing a clause that USDA animal care standards must be followed.

The law and regulations are designed to leave researchers free to conduct any studies they deem necessary. They must, however, use appropriate pain-relieving drugs wherever possible. Registered research facilities and all agencies of the Federal government must submit an annual report, stating whether any regulated animals were used, any painful experiments were conducted, and any pain-relieving drugs were omitted during painful experiments.

Regulated Institutions

State-owned facilities.—Public institutions administered and/or funded by a State government must be registered. State-run institutions, however, do not have to be licensed as dealers even if they sell or trade regulated animals.

Private and local facilities.—Institutions administered privately or by local government must be registered as research facilities. The institution also must be licensed as an animal dealer if regulated animals are sold or traded to others.

Drug firms.—Manufacturers of vaccines, drugs, and other medicines must be registered as research facilities if they do research, development, or quality control tests on regulated animals. Institutions must be registered under the Animal Welfare Act even if they have USDA establishment licenses to produce biologics under the Virus-Serum-Toxin Act. APHIS enforces both Acts, and the same inspector may check for compliance.

Diagnostic laboratories.—All large-scale diagnostic laboratories and all those doing laboratory work using dogs or cats must be registered.

Exempt Institutions

Federal facilities.—Agencies of the Federal Government are not required to register with USDA and are not inspected by APHIS, but each Federal agency is responsible for complying with all USDA standards of animal care and preparing an annual report.

School laboratories.—Elementary, secondary, and all other schools below the college level are by law exempt from registration.

Small-scale diagnostic labs.—Clinics doing small scale diagnostic work on animals other than dogs and cats are entitled to apply for a specific, individual exemption from registration. Names and addresses of clinics given this exemption can be published.

Agricultural research institutions.—Research institutions doing work on horses and domestic farm animals other than rabbits are exempt by regulation from having to be registered.

Institutions using only biologic specimens.—If no live animals are used, but only dead biologic specimens, an institution is exempt. Suppliers of dead specimens made from regulated animals, however, have to be licensed as dealers.

Institutions using only nonregulated species.—A research institution is exempt if it uses only laboratory animals exempted by law or regulation. Examples are birds, rats, and mice.

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